REMARKS

In further responding to the Office Letter of January 11, 2002, the applicant is addressing the species restriction set forth in the Office Action.

At the outset, it is urged that the species restriction, particularly as constructed, will only add to further prosecution of the instant application. The primary difference between the system of Claim 1 which is generic, for example, and as shown in Figure 1, and not shown in Figure 2, is the addition of a separate reel. Nevertheless, the mechanism itself works in substantially the same manner. Thus, it is urged that any prior art found with respect to the subject matter of Species I, and really, the generic claims, would also be located with respect to the second species. In this respect, the applicant urges that he is quite familiar with the state of the prior art in general. This present application has been assigned to a company which makes these cover systems. Moreover, the applicant in this application has numerous U.S. Patents in his name, as well as related foreign patents. The applicant is unaware of any prior art which would be applicable to the claims of Species II, and which would not otherwise be applicable to the claims of Species I and the generic claims. It is therefore believed that adherence to the restriction requirement would only duplicate efforts on the part of the applicant, and on the part of the U.S. Patent and Trademark Office.

It would also appear as though searches for the subject matter of the first species and the subject matter of the second species would necessarily have to be coextensive. The essence of the invention is in the use of a cable which extends from a power pack, such as an electrically operated drive system, to a cover drum located at a swimming pool, and where the power pack is remote from the cover drum. As a result, it is further believed that any search would necessarily be coextensive, again, resulting in duplication of efforts on the part of the U.S. Patent and Trademark Office.

For the above reasons, it is believed that the species restriction is without justification, and should be withdrawn. However, in an effort to be responsive, the applicant hereby provisionally elects to prosecute the claims of species restriction II.

A review of the claim structure and the previous election, reveals that Claims 1-13 are present in the application. A further review also reveals that Claims 6, 12 and 16 are applicable to restriction II. The remaining claims, namely, Claims 1-5, 7-11 and

13-15 are all generic. The applicant, therefore, provisionally elects to prosecute Claims 1-13, which includes those generic claims and claims of Species II.

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Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231 on 3/14, 2003.

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VERSION WITH MARKINGS TO SHOW CHANGES

The cover which is used in the system of the present invention is preferably a buoyant type cover comprised of a plurality of interconnected buoyant slats. When this cover is wound onto a drum, particularly when the latter is in a submerged condition, as

cover drum and may be unrolled therefrom to extend over the upper surface 94 of a swimming pool body of water.

Also mounted on the drum shaft 90 and being co-axial with the drum 84 is a cable reel 96 and which receives a cable 98. The cable 98 is trained about a cable spool 100 which is, in turn, coupled to and driven by a motor 102. It can be observed that the motor has an output shaft 104 which is connected to a worm gear reducer [116] 106, the latter of which serves to provide a braking action to the cover drum. The reducer 106 is mounted to the cable spool 100 for rotating same. Since the steel cable may be as thin as two or three millimeters, the reel could be mounted on the inside of the pool wall. At approximately twenty revolutions of the drum to close the pool, a three to four layer cable buildup would amount to a cable reel width of only eight to 10 millimeters.

The motor 102 can be any type of power drive as, for example, an electrical motor, or a hydraulic motor, or the like. It is only important to provide rotating power to the spool 100 upon a driving command. It should also be observed that the cable spool 102 and the drive motor 102 is remotely located with respect to the pool cover mechanism 82. In this way, the cable can be trained through a wall or other structure and connected to the spool 100 when the latter is in a remote location.